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AMBUL A/S, AMBU INC., AND AMBU LTD.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

THE LARYNGEAL MASK COMPANY  
LTD. and LMA NORTH AMERICA, INC.,

**Plaintiffs,**

V.

AMBU A/S, AMBU INC., AND AMBU LTD.,

## Defendants,

Case No. 3:07-cv-01988 DMS (NLS)

## Jury Trial Demanded

**DECLARATION OF DARRYL M. WOO IN  
SUPPORT OF DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT OF  
INVALIDITY FOR LACK OF WRITTEN  
DESCRIPTION**

Date: September 25, 2009  
Time: 1:30 pm  
Courtroom: 10, 2<sup>nd</sup> Floor  
Judge: The Honorable Dana M. Sabraw

## AND RELATED COUNTERCLAIMS.

**PORTIONS OF DOCUMENT SUBMITTED UNDER SEAL**

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1 I, Darryl M. Woo, declare as follows:

2       1. I am an attorney at law duly licensed to practice in California and have been  
3 admitted to this district since 1982. I am a partner with the law firm of Fenwick & West, LLP,  
4 counsel for Defendants Ambu A/S, Ambu, Inc., and Ambu Ltd. (collectively, "Ambu"). I have  
5 personal knowledge of the matters set forth herein, and if called upon to do so, could testify  
6 competently thereto.

7       2. The parties recently exchanged expert reports, and are in the process of completing  
8 expert depositions.

9       3. Attached hereto as **Exhibit M** is a true and correct copy of the '100 patent File  
10 History, June 17, 2005 Amendment at 4.

11       4. Attached hereto as **Exhibit N** is a true and correct copy of the '100 patent File  
12 History, February 12, 2002 Amendment at 5.

13       5. Attached hereto as **Exhibit O** is a true and correct copy of the '100 patent File  
14 History, Oct. 5, 1999 Application at 19-20 (claims 1-4).

15       6. Attached hereto as **Exhibit P** is a true and correct copy of the '100 patent File  
16 History, April 24, 2006 Amendment at 2-3.

17       7. Attached hereto as **Exhibit Q** is a true and correct copy of the '100 patent File  
18 History, Aug. 23, 2006 Notice of Allowance at 2.

19       8. Attached hereto as **Exhibit R** is a true and correct copy of the LMA Training  
20 Module, dated March 2005 and bearing the Bates label LMA00006419.

21       9. Attached hereto as **Exhibit S** is a true and correct copy of Plaintiffs' Objections  
22 and Answers to Defendants' First Set of Interrogatories.

23       10. Attached hereto as **Exhibit T** is a true and correct copy of relevant excerpts of the  
24 deposition transcript of Herbert D'Alo, taken on July 31, 2009.

25       11. Attached hereto as **Exhibit U** is a true and correct copy of relevant excerpts of the  
26 deposition transcript of Dr. William H. Rosenblatt, taken on July 29, 2009.

27       12. Attached hereto as **Exhibit V** is a true and correct copy of relevant excerpts of the  
28 deposition transcript of Herbert D'Alo, taken on August 6, 2009.

1 I declare under penalty of perjury under the laws of the United States of America and the  
2 State of California that the foregoing is true and correct, and that this declaration was executed  
3 this 14th day of August, 2009 in Lahaina, Hawaii.

4  
5 */s/ Darryl M. Woo*  
6 Darryl M. Woo  
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FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5.2 on August 14, 2009.

By: /s/ Darryl M. Woo  
Darryl M. Woo  
Email: [dwoo@fenwick.com](mailto:dwoo@fenwick.com)